

## INVECTIVE WAS BITTER

### Humphreys Winds Up Prolonged Philippic.

Most of the more than four and a half hours the Supreme Court sat yesterday, in the further hearing of the disbarment case, was occupied by A. S. Humphreys in concluding his closing address on his own behalf. The remainder of the time was taken by J. W. Cathcart in arguing the defense of Frank E. Thompson.

#### DIGNIFIED ADVOCACY.

Mr. Cathcart's address was a calm and dispassionate presentation of authorities that he maintained bore favorably upon the cause of his client in the position shown by the evidence. He quoted a number of cases from the mainland courts where it was held proper that an attorney might accept a retainer against a former client under certain circumstances. This was the declared law where the attorney did not use secrets gained in representing a client to his prejudice in a subsequent case. One example cited was where parties joined in a friendly suit for the determination of their respective rights and afterward quarreled among themselves and entered into hostile litigation with each other. Mr. Cathcart's effort was able without the slightest attempt to be oratorical. It went far to restore the judicial atmosphere to its normal condition after it had been made fetid by a protracted outpouring of licentious vituperation.

#### SYMPATHY REJECTED.

In closing Mr. Cathcart made a few remarks by way of personal pleading for his client. He spoke of him as being a young man of rising promise ever since he had joined the Hawaiian bar a few years ago, and who had cast his lot in the community by marrying into a local family.

This brought Mr. Thompson to his feet for just a word as the court made signs of rising. He wished distinctly to disclaim any plea on behalf of his youth or any other personal consideration. All he wanted was a fair trial and justice.

#### OFFENSIVE DEFENSE.

Mr. Humphreys, on resuming his defensive address at the opening of court in the forenoon, early struck a lead of invective which he scarcely ever lost sight of again until the conclusion of his argument about 3:30 p. m. With regard to the Attorney General's observation that nobody took him for a fool, Humphreys quoted the proverb that it was well even to have the good opinion of a dog. He did not endorse the saying and had "never wanted the good opinion of a dog."

Referring to the contradiction between the Attorney General and Mr. Watson about the interview they had in the former's office he said:

"If Watson and Lorrin Andrews were put in the scales Watson would so far outweigh Lorrin Andrews that Andrews would be tossed to the skies; or, if the scales happened to go the other way, he would be hurled to the uttermost depths of hell."

#### LETS HIMSELF LOOSE.

"If ever a man perjured himself on the witness stand, Lorrin Andrews perjured himself when he testified to his conversation with E. M. Watson in relation to this case."

"Lorrin Andrews uttered a lie when he said that I had attempted to abandon the sinking ship, referring to my admission."

"Why sir! I have entered the valley of the shadow of death; I can almost see the gates ajar. My partner has his life before him. I would rather drop dead in my tracks, as I have said before, than attempt to shift the responsibility on the shoulders of one in whose honor I have an abiding faith."

"And now I am accused of attempting to jettison the cargo, when I intimated that our firm had been guilty of negligence."

#### AMERICANISM RUNG IN.

Mr. Humphreys took up the evidence that he threatened to appeal to the United States Court if the Sumner guardianship suit failed here. He asked when it had been a threat to desire to appeal to the highest tribunal in the land and then declared:

"I am an American!—not by Act of Congress, but by birth, by impulse, by instinct, and by desire! And it is but natural that I should prefer the opinion of the United States Supreme Court to that of any other court."

"Let me be treated as the principal in this case; let me not shift or shirk one single responsibility."

## NEW DEAL IN KAMALO

### Plan to Reduce Stock and Reorganize Estate.

There is to be a complete reorganization of the affairs of the Kamalo plantation at a meeting to be held next Wednesday if the plans of some of the stockholders can be carried out. The plan is to reduce the capital stock from \$1,000,000 to \$500,000 and to cut the shares of paid-up stock from twenty to ten dollars each. Then with the plantation upon a sound business basis it is expected to be got into operation and be made to pay. One stockholder said yesterday that much of the paid-up stock was given practically without consideration for land which was paid for its full value in cash.

If this scheme is not followed out an effort will be made to have the concern placed in the hands of a receiver to sell the property for what can be gotten out of it. There is over \$120,000 worth of machinery on the plantation. Besides some of the land is planted in cane which is kept in seed. The meeting to be held next Wednesday evening promises to be interesting.

#### SOME PERSONAL COMMENTS.

Mr. Humphreys commented on the the Attorney General's alleged statements that when Watson called on him he did not know what was in Magoon's charges, also that he had never discussed the matter with Deputy Attorney General Peters, who had been Magoon's partner. "Yet," the speaker said, "this whole case is as much a defense of the conduct of J. Alfred Magoon and his partner who is now in the office of the Attorney General as it is a prosecution of F. E. Thompson and A. S. Humphreys."

Reference was made to Magoon's statement that he did not know what case was on trial when he assisted George A. Davis, with the jibe that Davis was in his "normal condition of not knowing what he was doing."

John K. Sumner was attacked on the strength of the evidence of Wylie Davis that he was "tickled to death" to see Humphreys and Watson in trouble, also that Sumner was going to court in this trial to forget things for spite of the respondents. This he maintained had shown "mental disintegration gone beyond the point of moral responsibility, or utter disregard of the solemnity of an oath, and that candor and frankness due the court in a proceeding of this sort."

#### THAT MIDNIGHT RIDE.

Mr. Humphreys claimed to find inconsistent statements in J. A. Magoon's evidence of the midnight ride to a fire, and left it to the Justices to corroborate his own version of the conversation en route with special reference to the "skinning" of B. F. Dillingham by W. A. Kinney. In this connection he spoke of the unfair lease M. F. Crandall, as guardian of Sumner and receiving a full third of his income by way of commission, obtained from Sumner for Dillingham.

After pitting the evidence of the Ellises, R. W. Cathcart and Captain James against his admission of carelessness on the part of his firm, to show that he had not harassed Sumner nor done anything to his injury, and citing Sumner's "cutting" him in the street for opposing an improvident trust Sumner was bent upon placing himself under, Humphreys paid further attention to his brother-in-law Magoon.

He contrasted the hospitable habits of the Arabs of the desert with Magoon's divulgence of confidential utterances under his own roof at Kaalawai.

"If I had offered J. Alfred Magoon a bribe as he would have believed, it is a moral certainty that he would have taken it as he takes everything he can lay his hands on," the speaker declared. "Yes, he would take the noonday sun if he thought he could hold it."

Further discussing Magoon he said he was "not broad enough to carry filth to the devil."

At the afternoon session Mr. Humphreys used his time mostly in reviewing the evidence. Near the conclusion he contended that Mr. Highton's evidence was effectually contradicted by that of Judge Stanley and the other lawyer called on Wednesday afternoon.

#### NEAR THE END.

Deputy Attorney General Weaver watched the case for the prosecution during the afternoon, Attorney General Andrews being absent. The prosecution will probably make its closing reply, when the case will be taken under advisement, at this morning's session.

A SCAR from a burn or scald is often dreaded more than the pain that is inflicted. Chamberlain's Pain Balm heals the injured part in less time than any other treatment and unless the injury is a severe one, no scar will be left. One application gives relief. Try it. All Dealers and Druggists sell it. Benson, Smith & Co., Ltd., Agents for Hawaii.

## HOW KALAUPAPA LEPERS CELEBRATED THE FOURTH

### Plans Being Made For a New Half Mile Race Track At the Settlement—Money Raised By the Lepers For the Purpose.

The biggest Fourth of July celebration of any in the islands this year was that of the lepers at Kalaupapa. The whole day was given over to athletic sports and races, and so enthusiastic have the lepers become on the racing question that they intend to build a half mile running track and a grand stand for future use.

All the lepers have the racing fever and a subscription paper circulated at the settlement has reached the amount of \$160, with a few of the lepers still to be heard from. Everyone at the settlement contributed, some of them only a dime, while others put in as much as ten dollars. If the entire amount needed cannot be raised at the settlement it is the intention of Supt. McVeigh to circulate a subscription paper in Honolulu.

The present race track at Kalaupapa is a half mile straight-away but this is unsatisfactory because only a comparatively small percentage of the lepers can see the finish of the races. Now it is the intention to put in a mile circular track, graded and rolled and with all the modern accessories. A band stand and amphitheatre and racing quarters are also to be erected if sufficient money is raised. The work will be done by the lepers.

#### THE CELEBRATION.

Supt. McVeigh reports that the Fourth of July celebration held at Kalaupapa last Saturday was one of the biggest affairs for years. The morning was given over to swimming races—a quarter mile and one for two hundred yards. There were four swimming races altogether, and a half dozen participants in each. As soon as these races had been concluded the crowd went to the race track, and the remainder of the forenoon was spent in watching the races. In the afternoon there were more races and athletic sports of various kinds.

The most interest was taken in the horse races. The judges for these were Nathaniel, Kanekau, J. K. Waiamau, James Harvest and Ah Chong. The fastest time made was in the half mile running when the winner crossed the tape in fifty-two seconds.

There were women riders as well as men, and the ladies often were victorious over their male competitors. The funniest races were those in which ladies alone participated with mules for mounts.

The prizes were in cash, ranging from one to fifteen dollars. In the evening there were further festivities in Beretania Hall. There was a fine display of fire works, said to be the most elaborate of any given this year at either Wailuku, Hilo, Lahaina or Kahului. There was also a concert by local talent which was much appreciated. Refreshments of cake and sandwiches were also served during the evening celebration.

"If those who assisted in the raising of the fund for the Fourth of July celebration, at Kalaupapa, could have seen the pleasure with which the residents there took part in the features of the day they would have been more than pleased with their efforts to give the patients pleasure."

Dr. J. T. McDonald, the bacteriologist of the Board of Health, returned yesterday after a stay of some two weeks there. Dr. McDonald said that his visit was due to the fact that there was desired an examination of several patients, who since their confinement had not shown any progress of the disease, and in whose cases there was to be a microscopical diagnosis. In addition he made a careful survey of affairs, as was incident to his examination of the patients. He continued:

"When the object of my visit was made known, I found that scores of patients in addition to those who were listed came up for examination, and as a result I will have nearly sixty cases to pursue to the ultimate. The patients were all anxious that they be given the tests, and in every case they looked upon it as a pleasure. The examination of the lesions was a very slight thing and everyone expressed themselves as satisfied with the work."

"The greatest improvement in conditions there is noticed. Superintendent McVeigh has the respect and confidence of the people and everything goes on nicely. Dr. Goodale is making a fine record for himself, and is ameliorating the condition of the lepers very much. I shall complete the examinations as soon as possible, and will then report upon the work I have done to the Board of Health."

## HOUSE DECIDES TO WAIT WITH THE LOAN BILL

(Continued from page 1)

ing and assisting the production of coffee, a bounty of four cents a pound for all coffee produced in the Territory of Hawaii, for the ensuing ten years, be authorized to be paid to the producers thereof.

Resolved, that Congress appropriate sufficient money for the purposes hereinabove stated, and that the Secretary of the Territory be instructed to send copies of this resolution, properly certified, to the President of the United States, the President of the Senate and the Speaker of the House of Representatives, and that a suitable number of copies be given to the Hon. Jonah K. Kalaniana'ole, the Delegate-elect, for his use.

Paele fought the resolution saying that it was out of order, but it was not sustained and the resolution passed by ayes twenty-three, noes four.

#### SALARY BILL GOES THROUGH.

The salary bill was then passed, although Lewis wanted to make further amendments being shut out by the previous question. The vote was twenty-two to five, those voting in the negative being Home Rulers.

There was an attempt to bring up the loan bill conference but Long said that there was a feeling that this

should be delayed until the regular appropriations had been passed. The Senate might adjourn, he said, or the Governor might fail to sign the bill.

Speaker Beckley said there were only two days left, but Kumalae said the Governor could extend the session and make it thirty-two days. Beckley announced that he would refuse to preside longer than Saturday; if the work was not done at that time he would not continue as Speaker. From all over the House came declarations that members were going home.

The House adjourned for the day at 11:45 o'clock.

## CANNOT AGREE ON SALARY BILL

After struggling for three days with the differences between the two houses on the Six Months' Salary Bill, the committee having in charge the settlement of the matter, adjourned yesterday afternoon, confessing that it would be impossible to agree.

The committee did this only after every possible resource at the command

## THE COURTS ARE BLAMED

### Mr. Cathcart Says At the Chamber They Created Troubles.

(From Thursday's daily.)

Judge De Bolt dismissed the petition of William S. Ellis to put John K. Sumner under guardianship for insanity, without taking any evidence, on the motion of J. A. Magoon for respondent.

J. W. Cathcart, opposing the motion on behalf of the petitioner, respectfully informed Judge De Bolt that he regarded his decree on the former petition—that of Maria S. Davis—as an "improvident" one. Counsel also said he believed the courts were responsible for the troubles of John K. Sumner since 1897, in allowing agreements and settlements out of court. Mr. Cathcart said he never heard of an insanity case elsewhere as being discontinued by stipulation of the parties.

The Judge in granting the motion said it would be impossible to convince him that John K. Sumner was insane.

#### DIVORCE MATTERS.

Judge De Bolt granted a divorce to Rosa Machado Keola against James Keola, with the custody of the children including a missing child if it can be found. The libelee, who made no appearance, is ordered to pay the libellant \$15 a week every Saturday, also costs of the proceedings and an attorney's fee of \$25.

Judge Gear has made an order to W. E. Fisher, receiver of the estate of M. G. Silva, to pay \$104.85 in his hands to Carolina Silva on account of alimony in divorce.

Notice of motion for execution for \$1000 according to decree against the libellee in the divorce suit of Libano de Nobrega vs. Sylvano de Nobrega has been given.

#### GENERAL.

The Dowsett Co., Ltd., has executed a release to David Kahana against the estate of David Kahana, deceased, for any claims on account of two leases executed to certain Japanese by David Kahana in his lifetime.

A discontinuance has been filed in W. M. Campbell's suit against John K. Sumner.

W. E. Rowell, administrator of the estate of Malvina J. Rowell, is granted his discharge on filing of final receipts by order of Judge Gear.

..... of the members had been exhausted, and two items especially, the Japanese Interpreter and the Assistant Superintendent of Public Works, seemed to be impossible of reconciliation. What will be the result it is not possible to forecast. If a new committee is appointed this morning there will be hard work to go through all the bill, which is such that the work of typewriting it for submission to the Governor will occupy at least twenty-four hours, making it necessary that there be early agreement if it is to be expected that the bill will be sent to the Governor in time for his signature.

The Japanese Interpreter item was the first thing brought up at the afternoon session, McCallness proposing that the House take its advance on the Motokai judge, giving the Senate the \$500 salary for the interpreter. Baldwin called attention to the necessity for a good man in the position, reciting the facts in connection with the recent Japanese case on Maui when Doyle had to be sent for to handle the evidence.

There was a discussion over the present rate of pay of the interpreter, Kumalae insisting that he now gets only \$125 a month from the courts, others taking the position that the interpreter has been getting \$25 from the police funds as well. Greenwell insisted that the man should not be regarded but the position.

Vida moved that the salary be cut to \$50. This was to cut down the price below \$100, so that Doyle could draw two salaries. Kumalae denied that Doyle was getting two salaries, saying that Brown had denied this, he likewise said that there could be no cutting below the two figures fixed by the two houses. The chair ruled the Vida motion out of order.

McCallness moved his compromise but he could not secure more than three House votes. Baldwin moved a compromise at \$100, but he had no support. After some argument Kalaupapa moved to strike out the item entirely, saying too much time was being wasted over this item. Kupihea said the House had no feeling against Doyle, but simply voted to cut him down because he could only interpret and could not translate.

#### COMPROMISES ARE REJECTED.

Woods proposed that the Senate would recede from its position on the Japanese interpreter. If the House would recede on the striking out of the Assistant Superintendent of Public Works, Kumalae said he would put in the item if the words "provided it is not Marston Campbell." Senator Baldwin said he had never heard of such legislation. The necessity for assistance to the superintendent was absolute, and he continued, that it would not be wise to pass a loan bill without providing such competent assistance. He said that the legislative branch should not intrude upon the Executive. In all his years he had never heard of such a rider being put into a bill, and he did not think there should be dictation as to under officials.

Senator Paris said he thought the Senate felt it was going too far in an attempt to dictate as to the employment of subordinates. He suggested that there be a compromise at \$400 on the Japanese interpreter. The vote

Continued on page 8.)

## TRANSPORTS THE TOPIC

### At the Chamber of Commerce Meeting.

(From Thursday's daily.)

At the monthly meeting of the Chamber of Commerce yesterday morning, the committee on the matter of agitating to have the Army transports call at Honolulu, on their voyages between the Pacific Coast and the Philippines, made its report. It submitted a series of resolutions addressed to Mr. Root, Secretary of War, which the Chamber adopted.

The resolutions set forth that this is an American port, that it has all the facilities of wharf, harbor, machine shops, water, and coal of any foreign port, and that to route the transports this way will tend to build up an American port, will benefit American workmen and American business men, instead of building up a foreign port, as at present. It is shown that our harbor facilities are sufficient by the fact that the battleship Wisconsin was brought into this harbor. Stress is laid on the fact that this is an orderly and peaceable port, this feature being suggested by the experience at Bremerton.

Further, it is pointed out that the Occidental and Oriental and the Toyo Kisen Kaisha steamers call here though they can carry neither passengers nor freight between this port and the coast, because of the facilities here and the pleasure and safer route this way as compared with the northern route.

E. D. Tenney for the committee to prepare statistics and information for the Department of Commerce and Industry; reported progress and asked for further time. Mr. Tenney also made the same report and request for the committee on revision of the by-laws.

W. H. Hoogs for the committee on the Encouragement of Coffee reported that the committee was at work on the matter, but was not ready to report yet as certain data desired had only been secured the previous day.

The following cable messages were received in reply to those sent by the Chamber on the completion of the trans-Pacific cable.

From the Governor of Guam: Thanking the Chamber of Commerce and the Merchants' Association for greetings which are reciprocated, Guam builds hopes on being connected with Hawaii.

SEWALL, Governor.

From Clarence H. Mackay: I have greatly appreciated your kind message of the Fourth and I sincerely wish the presidents and members of the Chamber of Commerce and Merchants' Association of Honolulu all prosperity now, and in the future.

C. H. MACKAY.

From the San Francisco Chamber of Commerce: Thank you for kindly greetings. May last link Commercial Pacific Cable strengthen all others binding us together.

#### CHAMBER OF COMMERCE.

R. Dimond, Vice-President.

The following were elected to membership: C. Hedemann, of the Honolulu Iron Works; E. D. Tenney, of Castle & Cooke; J. R. Galt, of the Hawaiian Trust Company, and E. A. Berndt, of W. W. Dimond & Company.

Those present at the meeting were: C. M. Cooke, vice-president, in the chair; J. G. Spencer, secretary; H. A. Isenberg, J. T. Crawley, H. A. Parmelee, F. J. Lowrey, A. J. Campbell, W. L. Hopper, E. R. Stackable, F. J. Waldron, W. H. Hoogs, F. M. Swanz, E. A. Berndt, E. D. Tenney and J. R. Galt.

## WORK PROGRESSING ON CABLE SHIP

The Anglia began to discharge the remainder of the cable which she had in her hold on Monday morning. The remainder consists of one hundred and eighty-five miles of cable, all but one and a quarter miles being the deep sea section. The short section is the shore end.

The cable is run from the hold of the Anglia to the bow of the ship, thence through blocks hung from the tops of telephone poles to the tanks which are a few hundred yards off. The cable is run out at the rate of three miles an hour, and it is expected that it will be all out on Saturday. This is not very fast work, but it is impossible to get any greater speed from the engine which pulls the cable. At Greenwich where the cable is made thirty miles a day is considered good work in loading the cable, and the record is seventy-two miles in twenty-two hours. The cable being unloaded at present is run over to the tanks near the cable ship, and down into the tanks where a force of eight or nine men are busy coiling it around a drum, perhaps a hundred and fifty miles are coiled the tank is filled with water, and the cable is left, ready for use at a moment's notice.

#### VOICES SOUGHT.

Governor Dole has written the Secretary of the Interior, Washington, for advice regarding the reported trespassing of Japanese upon the little islands to the west of this group, in connection with the offer mentioned in this paper some days ago which Captain Rodman of the U. S. S. Iroquois made to the Governor. This was to protect the islands with their feathered inhabitants against the vandals as opportunity offered in cruises of the station ship.